

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

In re:  
NIXON, Amy C.  
SSN: xxx-xx-8337

Debtor

Chapter 13  
Case No. 09-19877-FJB

**TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S AMENDED  
CHAPTER 13 PLAN**

Now comes Carolyn Bankowski, Standing Chapter 13 Trustee ("Trustee"), and respectfully objects to confirmation of the Debtor's Amended Chapter 13 Plan, (the "Plan"), and for reasons says as follows:

1. On November 23, 2009, the Trustee convened the §341 meeting of creditors at which the Debtor was present with counsel.
2. This case was dismissed on March 24, 2010 for failure to comply with the Court's Order to file an Amended Plan after sustaining the Trustee's Objection to Confirmation of the Amended Plan filed January 26, 2010. The case was reinstated on April 19, 2010.
3. The Debtor filed a further Amended Plan on April 1, 2010. The Amended Plan fails to address the issues raised in the Trustee's Objection to Confirmation filed on February 22, 2010.
4. According to the Amended B22C Form filed January 26, 2010, the Debtor has \$140.36 available each month towards unsecured claims, which would provide for a total of \$8,421.60 to be paid towards general unsecured claims. However, the Debtor's Plan only proposes to pay the sum of \$4,019.00 towards the general unsecured claims. If the Debtor was to devote all projected disposable income for a period of 60 months, the dividend to the holders of general unsecured claims would greatly increase.
5. The Debtor's proposed plan cannot be confirmed, as the Plan does not meet the best efforts test of 11 U.S.C. §1325 (b)(1)(B).

WHEREFORE, the Trustee requests that the Court sustain the objection to confirmation and

grant such other relief as is proper.

Dated: May 5, 2010

Respectfully submitted,

By: /s/ Carolyn Bankowski  
Carolyn Bankowski, BBO#631056  
Patricia A. Remer, BBO#639594  
Standing Chapter 13 Trustee  
Office of the Chapter 13 Trustee  
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Boston, MA 02114  
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**Certificate of Service**

The undersigned hereby certifies that a copy of the Trustee's Objection to Confirmation of Debtor's Chapter 13 Plan was served via first class mail, postage prepaid or by electronic notice on the Debtor and Debtor's counsel at the addresses set forth below.

Amy Nixon  
35 Maitland Avenue, #2  
Randolph, MA 02368

Richard Rogerson, Esq.  
11 Beacon Street, Ste 625  
Boston, MA 02108

Date: May 5, 2010

/s/ Carolyn Bankowski